

REMARKS/ARGUMENTS

In the Office Action mailed December 1, 2009, claims 1-14 were rejected. Additionally, the drawings were objected to. In response, Applicants hereby request reconsideration of the application in view of the amendments and the below-provided remarks. No claims are added or canceled.

Claim Amendments

For reference, claims 1-8, 10, 12, and 13 are amended, as follows:

Claim 1 is amended to clarify the language of the claim, as suggested by the Examiner, to resolve the issue of antecedent basis for the term “the circuit,” and to delete the phrase “is capable of” as identified by the Examiner.

Claim 2 is amended to clarify the language of the claim, as suggested by the Examiner, and to improve the formatting of the claim.

Claim 3 is amended to clarify the language of the claim, as suggested by the Examiner, and to delete the phrase “can be stored.”

Claim 4 is amended to clarify the language of the claim, as suggested by the Examiner.

Claim 5 is amended to clarify the language of the claim and to delete the phrase “can be” as identified by the Examiner.

Claim 6 is amended to replace the term “including” with the term “comprising.”

Claim 7 is amended to clarify the language of the claim, as suggested by the Examiner, and to make other similar improvements to the language of the claim.

Claim 8 is amended to clarify the language of the claim, as suggested by the Examiner.

Claim 10 is amended to clarify the language of the claim, as suggested by the Examiner, and to make other similar improvements to the language of the claim.

Claim 12 is amended to clarify the language of the claim, as suggested by the Examiner, to resolve the issue of antecedent basis, to delete the phrase “can be supplied,” and to make other similar improvements to the language of the claim.

Claim 13 is amended to clarify the language of the claim, as suggested by the Examiner, and to make other similar improvements to the language of the claim.

These amendments to the claims are supported by the original language of the claims, as well as the accompanying description provided in the specification of the present application.

Objections to the Drawings

The Office Action objects to the drawings for lack of descriptive text and/or labels identifying the parts of the circuit/communication system. The Office Action also states that the drawings should include a flow chart or block diagram depicting the communication process of the system, because claim 7 is a method claim.

In regard to the request to add descriptive text or labels to the drawings, Applicants respectfully submit that such descriptive text or labels are not required in the present application. The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensable for understanding. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In the present application, Applicants submit that the addition of text labels to the drawings is not “absolutely indispensable” because the individual drawing elements are identified and described in the specification. In view of the above rules, Applicants respectfully assert that additional text labeling is not required in the drawings of the current application.

In regard to the suggestion to add a flow chart or block diagram, Applicants respectfully decline to add such a drawing. It appears from the statements in the Office Action that the requested drawing(s) is suggested, but is not required. In particular, the Office Action states that there should be a flow chart or block diagram, but does not state that there must be such drawing. Moreover, the Office Action does not provide any statutory or regulatory basis for the request to include a flow chart or block diagram. Furthermore, the applicable regulations merely state that “Drawings may include illustrations which facilitate an understanding of the invention (for example, flow sheets in cases of processes, and diagrammatic views).” 37 C.F.R. 1.81 (emphasis added).

Therefore, there does not appear to be a mandatory requirement to include the requested drawing. Accordingly, Applicants respectfully decline to add a flow chart or block diagram of the method recited in claim 7.

To the extent that a drawing may be required for depiction of aspects of the method recited in claim 7, Applicants kindly refer the Examiner to Fig. 1 and the accompanying description in the specification. Fig. 1 shows and the accompanying specification describes an embodiment of a communication system with a data carrier that may be used to carry out the method.

Objections to the Claims

The Office Action objects to claims 1, 3, 4, 7, 8, 10, 12, and 13 for various informalities. Applicants submit that the amendments presented herein resolve the issues outlined in the Office Action, in addition to other similar incidents that are not specifically identified in the Office Action. Accordingly, Applicants respectfully request that the objections to the claims be withdrawn.

Claim Rejections under 35 U.S.C. 112

Claims 1, 4-7, 10, and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that the amendments presented herein address the rejections of claims 1, 5, 7, and 12. Accordingly, Applicants respectfully request that the rejections of claims 1, 5, 7, and 12 under 35 U.S.C. 112, second paragraph, be withdrawn.

In regard to the rejection of claim 4, Applicants note that the indicated limitation “the memorized information unit” has sufficient antecedent basis in the language of claim 1. In particular, the last clause of claim 1 recites “memorize at least the information unit that has cause the indicator signal.” Although this clause does not use identical language as subsequently recited in claim 4, Applicants submit that this language nevertheless provides sufficient antecedent basis for “the memorized information unit” recited in claim 4. Accordingly, Applicants respectfully request that the rejection of claim 4 under 35 U.S.C. 112, second paragraph, be withdrawn.

In regard to the rejection of claim 10, Applicants note that the indicated limitation “the memorized information unit” has sufficient antecedent basis in the language of claim 7. In particular, the last clause of claim 7 recites “memorizing at least the information unit that has caused the indicator signal.” Although this clause does not use identical language as subsequently recited in claim 10, Applicants submit that this language nevertheless provides sufficient antecedent basis for “the memorized information unit” recited in claim 10. Accordingly, Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. 112, second paragraph, be withdrawn.

In regard to the rejection of claim 6, Applicants submit that the Office Action mischaracterizes the claim as an omnibus claim. For reference, the MPEP explains that an omnibus claim relies solely on the illustrations and general description provided in the application, rather than reciting specific limitations within the body of the claim. MPEP 2173.05(r). Here, claim 6 does not rely at all on the illustrations or general description provided in the application. Rather, the indicated claim depends from and incorporates all of the specific limitations recited in the body of independent claim 1. Thus, claim 6 is not an omnibus claim. Accordingly, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. 112, second paragraph, be withdrawn.

Allowable Subject Matter

Applicants appreciate the Examiner’s review of the claims and determination that claims 1-14 recite allowable subject matter, pending resolution of the objections and rejections stated in the Office Action. Applicants respectfully submit that the amendments and remarks presented herein resolve all of the stated objections and rejections and, consequently, render claims 1-14 allowable.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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